

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 JUL -1 P 4:27

Jeffrey J. HENSON and  
Jenny HENSON,

Plaintiffs,

v.

Alan LeBovidge as COMMISSIONER OF  
REVENUE for the COMMONWEALTH OF  
MASSACHUSETTS, CHIEF ADMINISTRATIVE  
JUSTICE of the MASSACHUSETTS TRIAL  
COURT, Sheryl PATE, and the UNITED  
STATES of AMERICA,

Defendants.

CIVIL ACTION  
NO. 04-10514-NG

**DEFENDANTS ALAN LEBOVIDGE, AS COMMISSIONER OF REVENUE  
FOR THE COMMONWEALTH OF MASSACHUSETTS, AND CHIEF ADMINISTRATIVE  
JUSTICE OF THE MASSACHUSETTS TRIAL COURTS'  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Alan LeBovidge, as the Commissioner of Revenue, and the Chief Administrative Justice of the Trial Court ("State Defendants"), hereby file their Opposition to the Motion for Preliminary Injunctive Relief filed by Jeffrey J. Henson and Jenny Henson ("Henson" or "Hensons"). As grounds for this Opposition, the State Defendants state that the Hensons have, in addition to failing to state a claim for which relief may be granted, have failed to show a likelihood that they will succeed on the merits of this case. Moreover, the Hensons have produced no support or argument to show how their interest in obtaining

injunctive relief are consistent with the public good, or that they will irreparably suffer should the injunction not issue. In contrast, undue federal judicial involvement in a state court matter involving domestic issues has demonstrably negative public interest implications.

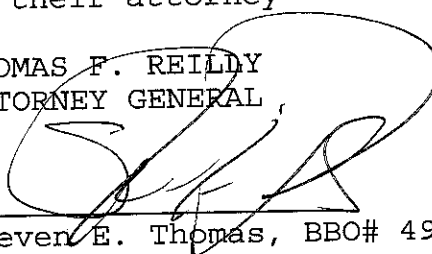
In further support of this motion to dismiss, the State Defendants submit a supporting Memorandum, filed herewith.

Respectfully submitted,

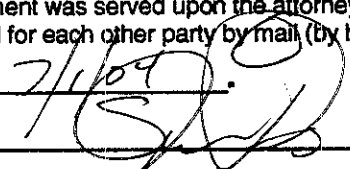
**ALAN LEBOVIDGE, AS COMMISSIONER OF  
REVENUE FOR THE COMMONWEALTH OF  
MASSACHUSETTS, AND CHIEF ADMINISTRATIVE  
JUSTICE OF THE MASSACHUSETTS TRIAL  
COURTS,**

By their attorney

THOMAS F. REILLY  
ATTORNEY GENERAL

  
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Dated: July 1, 2004

<p><b>CERTIFICATE OF SERVICE</b></p> <p>I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand)</p> <p>on <u>7/1/04</u></p> <p></p>
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